

With respect to independent claim 1, Applicant respectfully requests the Examiner to withdraw the rejection at least because there is no motivation or suggestion to modify the resonator filter of Niiranen to use an inductive cross-coupler that includes the adjustable screw 53 of Harrison.

It appears to be the Examiner's position that Niiranen discloses a filter having resonators 131, 141 that are capacitively coupled by a vertical projection 133 and are inductively coupled by an aperture in the lower part of the partition wall 107. Niiranen at Fig. 1. The Examiner acknowledges, however, that Niiranen does not teach or suggest that the inductive coupler is adjustable.

Therefore, the Examiner looks to Harrison's adjustable screw 53 in an attempt to make up for this deficiency. The rotation of Harrison's screw 53 adjusts the coupling between the resonators 46, 48. Harrison at, e.g., Fig. 8.

However, Applicants see no motivation or suggestion at the time of invention to provide the adjustable screw as an adjustment of the coupling between resonators that are both inductively and capacitively coupled. For example, although the strips 54a, 54b may appear to provide a capacitive cross-coupling between resonators, the strips 54a, 54b are instead "grounded at the end surface 45 of the wall 44." Harrison at Fig. 8 & 10:56-58. "It should be noted that because the reactance cancellation circuit 54 is comprised of two independent strips 54a and 54b that are each grounded at the end surface 45 of the wall 44, the circuit 54 does not contribute to the overall coupling that is provided between the resonators 46 and 48." Harrison at 11:13-18 (emphasis added).

Response Under 37 C.F.R. § 1.111
Appln. No. 10/024,567
Docket No. A8224

Furthermore, it is the Examiner's position that it would have been obvious to replace Niiranan's inductive coupling means with Harrison's adjustable inductive coupling means because Niiranan's inductive coupling means and Harrison's inductive coupling means are art recognized equivalents.

However, Applicant sees no motivation or suggestion in Harrison to use an adjustable coupling with a filter that has resonators that are both inductively and capacitively coupled. Therefore, it seems that the Examiner's motivation to provide a mosaic that includes the features of Niiranan and Harrison is based Applicant's specification only. This would be, of course, impermissible.

However, if the Examiner is instead relying on a motivation or suggestion in Harrison to use an adjustable coupling with a filter with resonators that are both inductively and capacitively coupled, then Applicant's respectfully request the Examiner to provide objective evidence or a particular finding upon which the Examiner's position is based.¹

Finally, even though it may be known to adjust the inductive coupling via an adjustable coupling, there is no suggestion or motivation of record regarding providing a filter in which the

¹ The USPTO is held to a *rigorous* standard when trying to show that an invention would have been obvious in view of the combination of two or more references. *See, In re Sang Su Lee*, 61 USPQ2d 1430 (Fed. Cir. 2002), *citing, e.g., In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999) ("Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references."). In *Lee*, the Federal Circuit further emphasized that the "need for specificity pervades this authority." (*Lee* at 1433 (*citing In re Kotzab*, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000) ("particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed"))). The factual inquiry into whether to combine references "must be based on objective evidence of record." *Lee* at 1433.

Response Under 37 C.F.R. § 1.111
Appln. No. 10/024,567
Docket No. A8224

coupling between resonator is provided by both an adjustable inductive coupling and a capacitive coupling.

Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of claim 1.

Furthermore, Applicants respectfully request the Examiner to withdraw the rejection of independent claims 13 and 17 at least because there is no motivation or suggestion to modify the resonator filter of Niiranen to use an inductive cross-coupler that includes the adjustable screw 53 of Harrison, as is discussed above with respect to claim 1.

In addition, Applicant respectfully requests the Examiner to withdraw the rejection of claims 2, 4-9, and 12 -17 at least because of their dependency from claim 1 and the rejection of claims 14-16 at least because of their dependency from claim 13.

Finally, Applicant respectfully requests the Examiner to withdraw the rejection of dependent claims 3, 10, and 11 at least because of their dependency from claim 1 and because Fiedziusko, which was cited by the Examiner as allegedly showing “a bar provided in an insulating collar which is removably fixed to said wall cavity”, does not cure the deficiencies in the combination of Niiranen and Harrison discussed above.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Response Under 37 C.F.R. § 1.111
Appln. No. 10/024,567
Docket No. A8224

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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